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FIFTY-NINTH LEGISLATURE

FIFTY-FOURTH LEGISLATIVE DAY
FRIDAY, FEBRUARY 29, 2008

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Heinrich and Werk, absent and formally excused by the Chair; and Senators Burkett and Stegner, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Brigitte Borup, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 28, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Little, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Stegner was recorded present at this order of business.

February 29, 2008

The JUDICIARY AND RULES Committee reports that **S 1446**, **S 1447**, **S 1448**, **S 1449**, and **S 1450** have been correctly printed.

DARRINGTON, Chairman

S 1446 and **S 1448** were referred to the State Affairs Committee.

S 1447 was referred to the Commerce and Human Resources Committee.

S 1449 was referred to the Resources and Environment Committee.

S 1450 was referred to the Education Committee.

February 28, 2008

The JUDICIARY AND RULES Committee reports that Enrolled **SCR 125** was delivered to the Office of the Secretary of State at 1:25 p.m., February 28, 2008.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 28, 2008

The JUDICIARY AND RULES Committee reports that Enrolled **S 1349** was delivered to the Office of the Governor at 1:30 p.m., February 28, 2008.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 28, 2008

The JUDICIARY AND RULES Committee reports that **S 1319** and **S 1320** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1319** and **S 1320** and ordered them transmitted to the House for the signature of the Speaker.

February 28, 2008

The JUDICIARY AND RULES Committee reports that **S 1361**, as amended, **S 1398**, as amended, **S 1399**, as amended, **S 1420**, as amended, and **S 1414**, as amended, have been correctly engrossed.

DARRINGTON, Chairman

S 1361, as amended, **S 1398**, as amended, **S 1399**, as amended, **S 1420**, as amended, and **S 1414**, as amended, were filed for first reading.

February 28, 2008

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1361**, **S 1398**, **S 1399**, **S 1420**, **S 1414**, and **H 440** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 28, 2008

The AGRICULTURAL AFFAIRS Committee reports out with **HCR 44** with the recommendation that it do pass.

GANNON, Chairman

HCR 44 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 28, 2008

The FINANCE Committee reports out **H 555** with the recommendation that it do pass.

CAMERON, Chairman

H 555 was filed for second reading.

February 28, 2008

The TRANSPORTATION Committee reports out **S 1440**, **S 1442**, and **H 528** with the recommendation that they do pass.

McGEE, Chairman

S 1440, **S 1442**, and **H 528** were filed for second reading.

February 29, 2008

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 452** and **H 453** with the recommendation that they do pass, and with the recommendation that they be placed on the Consent Calendar.

ANDREASON, Chairman

H 452 and **H 453** were filed for second reading.

February 29, 2008

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 379**, **HCR 46**, **HCR 47**, **H 493**, **H 522**, **H 523**, and **H 496**, as amended, with the recommendation that they do pass.

ANDREASON, Chairman

H 379, **H 493**, **H 522**, **H 523**, and **H 496**, as amended, were filed for second reading.

HCR 46 and **HCR 47** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

February 28, 2008

Mr. President:

I transmit herewith **H 491**, **H 560**, **H 532**, **H 476**, **H 477**, and **H 480**, which have passed the House.

ALEXANDER, Chief Clerk

H 491, **H 560**, **H 532**, **H 476**, **H 477**, and **H 480** were filed for first reading.

February 28, 2008

Mr. President:

I transmit herewith **S 1265** and **S 1267**, which have passed the House.

ALEXANDER, Chief Clerk

S 1265 and **S 1267** were referred to the Judiciary and Rules Committee for enrolling.

February 28, 2008

Mr. President:

I return herewith Enrolled **S 1306** and **S 1355**, which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled **S 1306** and **S 1355** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Burkett was recorded present at this order of business.

The President Pro Tempore announced that **SCR 131** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Davis, seconded by Senator Bilyeu, **SCR 131** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, **SCR 132** retained its place on the calendar.

The President Pro Tempore announced that **HCR 38** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Darrington, seconded by Senator Kelly, **HCR 38** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

Senator Heinrich was recorded present at this order of business.

S 1451

BY FINANCE COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; AMENDING SECTION 1, CHAPTER 295, LAWS OF 2007, TO REVISE THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR SERVICES FOR THE DEVELOPMENTALLY DISABLED IN THE COMMUNITY DEVELOPMENTAL DISABILITIES SERVICES PROGRAM; AMENDING SECTION 3, CHAPTER 295, LAWS OF 2007, TO REVISE THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR SERVICES FOR THE DEVELOPMENTALLY DISABLED IN THE IDAHO STATE SCHOOL AND HOSPITAL PROGRAM; AND DECLARING AN EMERGENCY.

S 1452

BY FINANCE COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; AMENDING SECTION 1, CHAPTER 302, LAWS OF 2007, TO REVISE THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR MENTAL HEALTH SERVICES IN THE CHILDREN'S MENTAL HEALTH PROGRAM; AMENDING SECTION 3, CHAPTER 302, LAWS OF 2007, TO REVISE THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR MENTAL HEALTH SERVICES IN THE COMMUNITY MENTAL HEALTH PROGRAM; AND DECLARING AN EMERGENCY.

S 1453

BY FINANCE COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; AMENDING SECTION 1, CHAPTER 301, LAWS OF 2007, TO REVISE THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PSYCHIATRIC HOSPITALIZATION IN THE COMMUNITY HOSPITALIZATION PROGRAM; AMENDING SECTION 3, CHAPTER 301, LAWS OF 2007, TO REVISE THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PSYCHIATRIC HOSPITALIZATION IN THE STATE HOSPITAL NORTH PROGRAM; AMENDING SECTION 5, CHAPTER 301, LAWS OF 2007, TO REVISE THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PSYCHIATRIC HOSPITALIZATION IN THE STATE HOSPITAL SOUTH PROGRAM; AND DECLARING AN EMERGENCY.

S 1454

BY FINANCE COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; AMENDING SECTION 1, CHAPTER 294, LAWS OF 2007, TO REVISE THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR SUBSTANCE ABUSE TREATMENT IN THE SUBSTANCE ABUSE TREATMENT AND PREVENTION PROGRAM; AND DECLARING AN EMERGENCY.

S 1451, S 1452, S 1453, and S 1454 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 440, as amended in the Senate, by Transportation and Defense Committee, was read the first time at length and filed for second reading.

S 1361, as amended, by Transportation Committee, was read the first time at length and filed for second reading.

S 1398, as amended, by Health and Welfare Committee, was read the first time at length and filed for second reading.

S 1399, as amended, by Commerce and Human Resources Committee, was read the first time at length and filed for second reading.

S 1420, as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

S 1414, as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

H 491, by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 560, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

H 532, by Education Committee, was introduced, read the first time at length, and referred to the Finance Committee.

H 476, H 477, and H 480, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1441, by State Affairs Committee, was read the second time at length and filed for third reading.

S 1445, by Finance Committee, was read the second time at length and filed for third reading.

S 1424, by Resources and Environment Committee, was read the second time at length and filed for third reading.

H 428, by Resources and Conversation Committee, was read the second time at length and filed for third reading.

S 1443, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 389, as amended, by Health and Welfare Committee, was read the second time at length and filed for third reading.

S 1438, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 446, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

H 465, by Health and Welfare Committee, was read the second time at length and filed for third reading.

H 490, by Revenue and Taxation Committee, was read the second time at length and filed for third reading, Consent Calendar.

S 1409, by Education Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1439 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett. Total - 34.

NAYS--None.

Absent and excused--Werk. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1439** passed, title was approved, and the bill ordered transmitted to the House.

S 1393 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKague, Pearce, Richardson, Siddoway, Stegner. Total - 25.

NAYS--Bilyeu, Burkett, Coiner, Kelly, Langhorst, McKenzie, Sagness (Malepeai), Schroeder, Stennett, Werk. Total - 10.

Paired and voting included in roll call:

AYE - Geddes NAY - Werk

Total - 35.

Whereupon the President Pro Tempore declared **S 1393** passed, title was approved, and the bill ordered transmitted to the House.

S 1436 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bair, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Siddoway. Total - 16.

NAYS--Andreason, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Gannon, Kelly, Keough, Langhorst, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk. Total - 19.

Paired and voting included in roll call:

AYE - Geddes NAY - Werk

Total - 35.

Whereupon the President Pro Tempore declared that **S 1436** had failed to pass the Senate and ordered the bill filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

Messages from the House

February 29, 2008

Mr. President:

I transmit herewith **H 557** which has passed the House.

ALEXANDER, Chief Clerk

H 557 was filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

H 557, by State Affairs Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 1:08 p.m. until the hour of 10 a.m., Monday, March 3, 2008.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary